

1
2
3
4 UNITED STATES DISTRICT COURT

5 Northern District of California

6
7 FABIAN GAGAZA, et al.,

No. C 12-4074 MEJ

8 Plaintiffs,

ORDER DISCHARGING OSC

9 v.

10 WELLS FARGO BANK, N.A., et al.,

Defendants.

11 _____ /
12
13 On August 29, 2012, the Court ordered Plaintiffs Fabian and Lourdes Gagaza to show cause
14 by September 13, 2012 why this case should not be dismissed for failure to respond to Defendants'
15 pending motion to dismiss. Dkt. No. 11. However, on August 30, 2012, Plaintiffs filed a Motion to
16 Remand, arguing that diversity jurisdiction does not exist. Dkt. No. 12. As the jurisdictional issue
17 must be addressed prior to considering any motion to dismiss, and given that Plaintiffs appear pro se
18 in this matter, the Court finds it prudent to have the parties fully brief Plaintiffs' remand motion
19 prior to any further briefing regarding Defendants' motion to dismiss. Accordingly, the Court
20 hereby DISCHARGES the order to show cause. If the Court denies Plaintiffs' remand motion, it
21 shall at the same time set a briefing and hearing schedule for Defendants' motion to dismiss.
22 However, Plaintiffs should be mindful that any future failure to comply with Court deadlines may
23 result in the imposition of sanctions, including dismissal of this case.

24 **IT IS SO ORDERED.**

25
26 Dated: September 6, 2012

27
28 
Maria-Elena James
Chief United States Magistrate Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 FABIAN GAGAZA,

No. C 12-04074 MEJ

6 Plaintiff(s),

CERTIFICATE OF SERVICE

v.

7 WELLS FARGO BANK NA,

8 Defendant(s).
9 _____
10

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on September 6, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

14 Fabian Gagaza
15 Lourdes Gagaza
16 165 Serravista Avenue
17 Daly City, CA 94015

18 Dated: September 6, 2012

Richard W. Wieking, Clerk
By: Rose Maher, Deputy Clerk